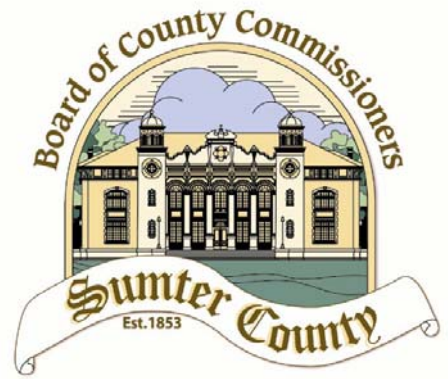


# ***Board of County Commissioners***

## ***Division of Planning & Development***

### **Code Compliance Department**

209 North Florida Street, Room 307 • Bushnell, FL 33513 • Phone (352) 793-0270 • FAX: (352) 793-0274  
SunCom: 665-0270 • Website: <http://sumtercountyfl.gov/plandevelop>



## **CODE ENFORCEMENT BOARD**

***March 12, 2007***

The regular meeting of the Code Enforcement Board of Sumter County, Florida, was called to order on Monday, March 12, 2007, at 6:00 PM, followed by the Pledge of Allegiance.

The following Board members were present: Chairperson-Horton Barnes, Charles Castle, Tommy Messer, Cheryl Barnes, and Terry Pasko.

Board members Drexel Clark and Dixie Ruzzo were absent (excused).

Present from Code Compliance were Paul Jochum-Code Compliance Coordinator, Al Folden-Code Compliance Inspector, Janice Love-Code Compliance Inspector, and Alysia Akins-Code Enforcement Board Secretary.

Lee Hawkins, attorney for Sumter County Code Compliance Inspectors, was present.  
Randall Thornton, attorney for the Code Enforcement Board, was absent.

Mr. Messer made a motion to approve the minutes from the February 12, 2007 meeting.  
Mrs. Barnes seconded the motion and the motion carried.

Mr. Folden, Ms. Love, and Mr. Jochum were sworn in.

### **Old Business:**

The following cases have costs due:

**CE2006-0296/Rudisill**

**CE2006-0524/Beeman**

**CE2006-0564/Wood Shed**

The following case has revised costs:

**CE2006-0142/Albaugh**

Mrs. Barnes made a motion to accept the revised costs. Mr. Messer seconded the motion and the motion carried.

The following case requested a rehearing:

**CE2006-0059/Baughman**

Mr. Baughman was not present.

Mr. Messer made a motion to order the original Findings of Fact remain in effect. Mr. Castle seconded the motion and the motion carried.

**CE2006-0592/Hang It Wright**

Mr. Messer made a motion to remove this case from the table. Mrs. Barnes seconded the motion and the motion carried.

The Respondent Mr. Wright was present and sworn in. Attorney Hawkins read into the record the e-mail received from Attorney Thornton regarding his legal opinion concerning what the Board should order for compliance on this case. The Board members stated they had all received a letter from Mr. Wright requesting an eight month extension, and permission to continue utilizing the existing residence as an office, in which Attorney Hawkins reviewed a copy. Attorney Hawkins, as attorney for the code inspectors, reminded the Board when Mr. Wright originally purchased the property, he was aware the property was not zoned for commercial use. Attorney Hawkins informed the Board to keep in mind any decision made regarding this case would be setting precedence for similar cases in the future. Ms. Love submitted a map reflecting the current Wildwood annexations, in which this property was not included. Ms. Love explained ordering the business to be relocated to a commercially zoned area will not shut Mr. Wright's business down, although it may cause an inconvenience. Mr. Wright testified he needed eight months to relocate his business, and stated his neighbors do not object to his current business location, since there is minimal traffic. Mr. Wright testified he had purchased two acres in Oxford zoned Heavy Commercial, in which he planned to construct a new facility. Ms. Love informed the Board an excessive amount of time, if granted to Mr. Wright, would be inconsistent with other approved extensions. Mr. Wright admitted to making a mistake by running a commercial business from a residential area. Mr. Messer reminded the Board that Mr. Wright did not apply for a rezoning until after the code case began. The Board discussed the rezoning request that was denied by the Zoning and Adjustment Board and Board of County Commissioners.

Ms. Love recommended the Board uphold the original Cease and Desist Order and grant Mr. Wright a reasonable amount of time to relocate his business.

Mr. Castle made a motion to order the Respondent to pay staff costs due in the amount of \$330.09 and comply with the Cease and Desist Order within 30 days, or a daily fine of \$30 would be assessed for each and every day the violation continues. The motion failed for lack of a second.

Attorney Hawkins stated a lower daily fine amount may not impose the issue dependent upon the amount of the fine vs. the cost to continue the business operation.

Mr. Pasko made a motion to order the Respondent to pay staff costs due in the amount of \$330.09 and comply with the Cease and Desist Order within 30 days, or a daily fine of \$75 would be assessed for each and every day the violation continues. Mr. Messer seconded the motion and the motion carried.

**New Business:**

The following cases have complied:

**CE2006-0509/Oxendine**

**CE2006-0062/Sammons**

**Case: CE2006-0758**

**Owner Name: Betty Jo Leatherman**

**Location Address: 12348 N. US 301/Oxford**

**Parcel: D07B007/OR-377, PG-299**

**Code Violation: 6-104(2), 6-104(3), and 6-104(4)**

The Respondent's son, Donald Leatherman, was present and sworn in. Ms. Love testified the Notice for Hearing was sent by certified mail and the property was posted on 3/2/07. Ms. Love testified her initial inspection was on 12/6/06. Ms. Love testified 3/12/07, was her last visit to the property, and the Respondent was not in compliance due to the unsafe structure, trash, and debris. Ms. Love submitted photographs into the record that were taken on 12/6/06, 12/12/06, 2/8/07, and 3/2/07 reflecting the violations. Ms. Love testified homestead exemption is not filed on the property. Ms. Love testified she had not received any contact from the owner. Ms. Love testified vehicles and trailers have been removed from the property. Ms. Love testified the fruit packing house on the property was unsafe and falling down. Ms. Love testified the equipment on the property needs to be relocated. Ms. Love testified the roof of the unsafe structure needs to be removed, although the foundation is stable enough to remain.

Ms. Love informed the Board that the Respondent is a repeat violator and recommended the property be brought into compliance within 60 days by removing or repairing the unsafe structure, removing all trash and debris, and paying staff costs in the amount of \$240.09, or a fine to be determined by the Board be assessed after the ordered date.

Mr. Leatherman testified that he agrees the structure is unsafe, and explained he had not tried to correct the situation due to a court case involving the property. Mr. Leatherman testified the County had purchased a portion of his property for right-of-way on US 301; therefore, he is no longer able to utilize the property for a packing shed. Mr. Leatherman testified he has grater equipment, tractors, and other farm equipment stored in the unsafe structure.

Mr. Messer made a motion to order the Respondent to bring the property into compliance within 60 days by removing the unsafe structure, leaving the foundation only, and obtaining all required demolition permits. Also, staff costs are due in the amount of \$240.09 to be paid within 30 days, or a \$75 daily fine will be assessed if found in non-compliance after the ordered date. Mr. Pasko seconded the motion and the motion carried.

**Case: CE2006-0801**

**Owner Name: Buffy Harrold and David Tucci**

**Location Address: 1870 CR 245S/Oxford**

**Parcel: C08=005/OR – 1444, PG – 119**

**Code Violation: 13-332(4)( c )(1), 13-332(4), 13-332 (a)(3)(a), 13-713(d), 13-713(e), 13-713(h)(1) a-d, 13-713(i)(1)(a-f), and 13-728**

The Respondent, Buffy Harrold Tucci, was present and sworn in. Ms. Love testified the Notice for Hearing was sent by certified mail, and delivered via personal service to Mrs. Tucci on 2/28/07. Ms. Love testified 3/12/07 was her last visit to the property, and the property appeared to be in compliance. Ms. Love submitted photographs into the record that were taken on 1/4/07, 1/19/07, 2/28/07, and 3/12/07 reflecting the violations. Ms. Love testified her initial inspection was on 1/4/07. Ms. Love testified she had been in contact with Mrs. Tucci. Ms. Love also testified homestead exemption is not filed on the property. Ms. Love discussed the numerous complaints she had received from the neighbors. Ms. Love testified the Sheriff's department, Fire department, and Forestry department have all been called out to the property during the course of this code case. Ms. Love testified the complaints received from the neighbors were regarding the property being used as a staging area for land clearing and construction businesses. Ms. Love submitted copies of letters of complaint received from the neighbors into the record, and explained she had advised the neighbors not to attend the meeting because she didn't think they would be able to address the Board. Ms. Love testified there were employee vehicles on-site.

Ms. Love recommended the Respondent be ordered to cease and desist any business operations from the property immediately. Ms. Love did not recommend any fines or costs be paid, although she recommended a penalty be ordered if found in violation in the future.

Mrs. Tucci testified she had relocated her business and equipment to Howey-In-The-Hills. Mrs. Tucci testified she has a mobile occupational license. Mrs. Tucci attempted to address the letters of complaint received from the neighbors. Mrs. Tucci testified she and her husband drove “big” trucks as personal vehicles. Mrs. Tucci testified they are in the process of clearing their property, therefore; there is equipment on the property.

Mr. Messer made a motion to order the Respondent to cease and desist all business activity at the property immediately. No staff costs were ordered, although an automatic \$500 fine was ordered if found in violation in the future. Mr. Pasko seconded the motion and the motion carried.

Mr. Barnes questioned the letters of complaint being submitted into the record since the neighbors were not present at the hearing. Attorney Hawkins stated they are considered evidence.

Mrs. Tucci informed the Board that she is in the process of clearing her property in case any future complaints were received from the neighbors regarding equipment on the property.

**Case: CE2006-0714**

**Owner Name: William Gene and Sandra Higginbotham**

**Location Address: 1634 NE 17<sup>th</sup> Street/Coleman**

**Parcel: J02=014/OR – 845, PG – 521**

**Code Violation: 13-51(A)(2)(A)**

The Respondent, William Gene Higginbotham, was present and sworn in. Mr. Folden testified the Notice for Hearing was sent by certified mail. Mr. Folden testified 3/12/07 was his last visit to the property, and the property was not in compliance. Mr. Folden submitted photographs into the record that were taken on 11/16/06, 1/22/07, 2/26/07, and 3/12/07 reflecting the violations. Mr. Folden testified his initial inspection was on 11/16/06. Mr. Folden testified he had been in contact with Mr. Higginbotham. Mr. Folden also testified homestead exemption is not filed on the property. Mr. Folden testified a barn had been converted into living area without the required building permits.

Mr. Folden recommended the Respondent be ordered to comply by obtaining the required building permits within 60 days, and paying all staff costs due in the amount of \$285.48, or a \$50 daily fine be ordered for each and every day the property remained in violation.

Mr. Higginbotham testified he had his building plans ready for permit submittal, and explained he would meet with the Building Department Plans Examiner to review them when he applied for his building permits. Mr. Higginbotham stated his septic tank has been installed. Mr. Higginbotham informed the Board his job had transferred him quicker than he had anticipated; therefore, he needed a place to live. Mr. Higginbotham stated he is still waiting on the plans for his air conditioning system. Mr. Higginbotham testified he expects to have construction of his house completed within 90 days.

Mr. Castle made a motion to order the Respondent to bring the property into compliance by obtaining the required building permits and paying all staff costs due in the amount of \$285.48 within 60 days; failure to bring the property into compliance and paying staff costs due within 60 days will result in a fine in the amount of \$50 per day for each and every day the property remains in violation. Mrs. Barnes seconded the motion and the motion carried.

**Case: CE2006-0702**

**Owner Name: Volnei and Maria Rodrigues**

**Location Address: 1349 C-478A/Gant Lake**

**Parcel: S10=092/OR – 1404, PG – 562**

**Code Violation: 13-51(A)(2)(A)**

The Respondent was not present. Mr. Jochum testified the Notice for Hearing was sent by certified mail. Mr. Jochum testified 3/12/07 was his last visit to the property, and the property was not in compliance due to the required building permits not being obtained. Mr. Jochum submitted photographs into the record that were taken on 11/1/06 and 3/12/07 reflecting the violations. Mr. Jochum testified his initial inspection was on 11/1/06. Mr. Jochum testified he had been in contact with the Respondent. Mr. Jochum also testified homestead exemption is filed on the property. Mr. Jochum testified electric service, a bathroom, and living area was added to an existing barn without the required building permits. Mr. Jochum testified he had spoken with a ranch hand at the property regarding the bathroom and kitchen located in the barn. Mr. Jochum testified he was denied access to the kitchen and bedroom areas.

Mr. Jochum recommended the Respondent be ordered to comply by obtaining the required building permits or removing the habitable areas within the barn, and paying all staff costs due in the amount of \$375.48 within 30 days, or a \$25 daily fine be assessed.

Mrs. Barnes made a motion to order the Respondent to bring the property into compliance by obtaining the required building permits or removing the habitable areas of the barn within 30 days, and paying staff costs due in the amount of \$375.48; failure to bring the property into compliance within 30 days, and pay staff costs due, will result in a fine in the amount of \$50 per day for each and every day the property remains in violation. Mr. Messer seconded the motion and the motion carried.

**Case: CE2007-0003**

**Owner Name: Thelbers Reasch**

**Location Address: 4266 CR 656/Croom-A-Coochee**

**Parcel: R11A141 and R11A120/OR – 1573, PG – 356**

**Code Violation: 13-332(a)(3)(a), Table 13-362A-5.930, 13-365(B)(1), 13-364(B)(2)(E), and 13-51(A)(2)(A)**

The Respondent's representative, Barbara Arnold, was present and sworn in. Mr. Jochum testified the Notice for Hearing was sent by certified mail. Mr. Jochum testified 3/12/07 was his last visit to the property, and the property was not in compliance due to semi-tractors, semi-trailers, a mini-wheeler, dump trucks, and RV's being on the property. Mr. Jochum submitted photographs into the record that were taken on 1/4/07 and 3/12/07 reflecting the violations. Mr. Jochum testified his initial inspection was on 1/4/07. Mr. Jochum testified he had been in contact with the Respondent. Mr. Jochum also testified homestead exemption is not filed on the property. Mr. Jochum testified the property appeared to be utilized as a trucking terminal.

Mr. Jochum recommended the Respondent be ordered to remove the trucking terminal, violating semi-trailers, and RV's, and obtain all required building permits, along with paying all staff costs due in the amount of \$240.09 within 30 days, or a \$50 daily fine be assessed if not in compliance within 30 days.

Ms. Arnold testified they had been unable to find an engineer to take the job of preparing building plans for the porch. Ms. Arnold testified they had met with the Building Department. Ms. Arnold testified the Certificate of Occupancy for the mobile home was issued in November of 2006, although Mr. Reasch is not currently residing in the mobile home. Ms. Arnold testified the semi-trailers are being used for storage. Ms. Arnold testified Mr. Reasch would like to apply for a Temporary Use Permit for security purposes.

Mr. Castle made a motion to order the Respondent to remove the trucking terminal, violating semi-trailers, and RV's, and obtain all required building permits, along with paying all staff costs due in the amount of \$240.09 within 30 days, or a \$50 daily fine be assessed for each and every day the property remains in violation. Mrs. Barnes seconded the motion and the motion carried.

Mr. Messer advised Ms. Arnold to remove the porch if unable to obtain engineering plans for the required building permits.

**Case: CE2007-0025**

**Owner Name: Cathy Lee and William Dubois**

**Location Address: 4139 CR 316/Bushnell**

**Parcel: M11=043/OR – 1532, PG – 55**

**Code Violation: 13-332(a)(3)(a), Table 13-362A-2.110, 13-41, 13-364(B)(2)(E), Table 13-362A-5.930, 6-103 Nuisance/Structure**

The Respondent William Dubois was present and sworn in. Mr. Jochum testified the Notice for Hearing was sent by certified mail and was posted on 3/2/07. Mr. Jochum testified 3/12/07 was his last visit to the property, and the property was not in compliance due to commercial vehicles, RV's, and work trailers being on the property, and the condition of his fence. Mr. Jochum submitted photographs into the record that were taken by himself and Mr. Folden on 1/19/07, 2/5/07, 2/27/07, and 3/12/07 reflecting the violations. Mr. Jochum testified his initial inspection was on 1/19/07. Mr. Jochum testified homestead exemption was not filed on the property. Mr. Jochum testified it appeared the Respondent was utilizing the residential property as a truck terminal.

Mr. Jochum recommended the Respondent be ordered to comply by ceasing and desisting all business activities on the property, cease bringing home business related vehicles, removing or registering within the State of Florida all RV's not licensed to the Respondent, repainting the fence, and paying all staff costs due in the amount of \$285.09 within 30 days, or a \$150 daily fine will be assessed for each and every day the property remains in violation.

Mr. Dubois testified he owns forty commercial trucks that are parked in Floral City, except for one that is parked at his residence. Mr. Dubois testified one RV belongs to his son, and he is in the process of purchasing the other two RV's. Mr. Dubois testified his son occasionally pressure washes commercial trucks at his property. The Board requested Mr. Dubois provide staff with proof of purchase for the 2 RV's being purchased. Mrs. Barnes discussed the fencing code interpretation. Mr. Dubois testified he would allow his neighbor to repaint his fence if they didn't like they way he had painted it. Mr. Dubois testified he is retired and does not run a business from his property. Mr. Dubois testified the travel trailers are licensed and have current tags. Mr. Dubois testified no one has resided in the travel trailers for more than 5 days in a 60-day period. Previous issues regarding Mr. Dubois and his neighbor involving a street light were discussed.

Mr. Messer made a motion to order the Respondent to cease and desist all business activity, including but not limited to pressure washing and storing commercial trucks on the property, immediately; failure to bring the property into compliance immediately, will result in a fine in the amount of \$50 per day for each and every day the property remains in violation. Mrs. Barnes seconded the motion and the motion carried.

Mr. Pasko made a motion to order the Respondent to remove the RV's or present proof of purchase within 30 days; failure to bring the property into compliance within 30 days, will result in a fine in the amount of \$25 per day for each and every day the property remains in violation. Mrs. Barnes seconded the motion and the motion carried.

Mrs. Barnes made a motion to declare the fencing not in violation of county code. Mr. Pasko seconded the motion and the motion carried.

Mr. Messer recommended the Respondent make the necessary repairs to the fencing.

There being no further business, Mr. Messer made a motion to adjourn. Mr. Pasko seconded the motion and the motion carried.

The meeting adjourned at 8:35 PM.

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Chairperson

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Recording Secretary